

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE M. MITCHELL,

No. C 10-01953 WHA

Plaintiff,

v.

**ORDER TO SHOW CAUSE
AND VACATING HEARING**

CALIFORNIA DEPARTMENT OF
MENTAL HEALTH, *et al.*,

Defendants.


Defendants moved to dismiss this employment discrimination action on June 17, 2010, for a hearing noticed on August 5. The motion and notice of the hearing date were both served on *pro se* plaintiff George M. Mitchell via U.S. mail (Dkt. Nos. 10, 14). Under the 35-day briefing schedule set forth in Civil Local Rule 7-3, plaintiff was supposed to file an opposition brief to defendants' motion to dismiss by July 15. No opposition brief has been filed. Due to this failure, the hearing on this motion scheduled for August 5 is **VACATED**.

Plaintiff is **ORDERED TO SHOW CAUSE** why this action should not be dismissed for failure to prosecute. A written response to this order — in which plaintiff must explain why he has not filed a timely opposition brief and set forth reasons why defendants' motion should not be granted — must be received by the Court no later than **AUGUST 5**. Plaintiff is warned that failure to respond to this order by the deadline will likely result in the immediate dismissal of his case.

1 If plaintiff files an opposition brief and provides an adequate explanation for his untimely
2 filing, a new hearing date may be scheduled if necessary. Otherwise, the motion will be resolved
3 on the papers.

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5 **IT IS SO ORDERED.**

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7 Dated: July 19, 2010.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE